

09/17/99  
U.S. PTO

A

Attorney Docket No.: COM21.P004-DIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. PTO  
09/398267  
09/17/99

I hereby certify that this transmittal of the below described documents is being deposited with the United States Postal Service in an envelope bearing Express Mail Postage and an Express Mail label, with the below serial number, addressed to the Commissioner of Patents and Trademarks, Washington, D.C., 20231, on the below date of deposit.			
Express Mail Label No.:	EI625126860US	Name of Person Making the Deposit:	TONY CHOU
Date of Deposit:	09/17/99	Signature of the Person Making the Deposit:	<i>Tony Chou</i>

Anticipated Classification of this application:  
Class \_\_\_\_\_ Subclass \_\_\_\_\_  
Prior application: \_\_\_\_\_  
Examiner: \_\_\_\_\_  
Art Unit: \_\_\_\_\_

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL OF FILING UNDER 37 CFR 1.53(b)

This is a request for filing a Divisional application under 37 CFR 1.53(b), of pending prior application  
Serial No. 08/864,550 filed on 05/27/97

of Mark E. Laubach, Sanford L. Helton, Alireza Raissinia, Paul A. Gordon, Malay M. Thaker and Kathleen M. Nichols  
*Inventor(s)*  
for MULTI-CHANNEL SUPPORT FOR VIRTUAL PRIVATE NETWORKS IN A PACKET TO ATM CELL CABLE SYSTEM  
*Title of invention*

Copy of Prior Application as Filed That is Attached

☒ A copy of the above identified prior application, including the oath or declaration originally filed is attached.

The copy of the papers of prior application as filed which are attached are as follows:

<input checked="" type="checkbox"/>	98	page(s) of specification
<input checked="" type="checkbox"/>	26	page(s) of claims
<input checked="" type="checkbox"/>	1	page(s) of abstract
<input checked="" type="checkbox"/>	38	sheet(s) of drawing
<input checked="" type="checkbox"/>	9	page(s) of declaration and power of attorney

☒ in accordance with the indication required by 37 CFR 1.53(b), my records reflect that the original signed declaration showing applicant's signature was filed on 01/02/98

☐ the amendment referred to in the declaration filed to complete the prior application and I hereby state that this amendment did not introduce new matter therein.

### Amendments

- ☒ Cancel in this application original claims 1-29 and 40-68 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes)
- ☒ A preliminary Amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application)

### Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

- ☐ There is provided herewith a Petition To Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently).

### Information Disclosure Statement

- ☐ An information disclosure statement is submitted herewith

### Drawings

- ☒ Drawings are enclosed
- ☒ formal
- ☐ informal

### Priority Claim

#### 35 U.S.C. 119

- ☐ Priority of application Serial Number ..... filed on ..... in ..... is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in prior U.S. application Serial No. ....

☐ The certified copy will follow. .... in .....

#### 35 U.S.C. 120, 121 and 365(c)

"This application is a divisional and claims the benefit of copending application(s)

- ☒ application number 08/864,550 filed on 05/27/97
- ☐ International Application ..... filed on .....

which designated the U.S."

### Relate Back

☒ Amend this specification by inserting, before the first line, the following sentence:

"This is a

☒ divisional  
of copending application(s)

☒ Serial Number 08/864,550 filed on 05/27/97  
☐ International Application filed on \_\_\_\_\_  
which designated in the U.S."

### Inventorship Statement

(a) With respect to prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application are:

☒ the same.  
☐ less than those named in the prior application. It is requested that the following inventor(s) identified above for the prior application be deleted:

.....  
*Type names of inventors to be deleted*

(b) The inventorship for all the claims in this application are

☒ the same.  
☐ not the same. And an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

### Assignment

☒ The prior application is assigned of record to COM 21, Inc.

☐ An assignment of the invention to

.....  
is attached. A separate "Cover Sheet for Assignment (Document) Accompanying New Patent Application" or Form PTO 1595 is also Attached.

### Power of Attorney

☒ The power of attorney in the prior application is to

James P. Hao	36,398
Attorney	Reg. No.
Anthony C. Murabito	35,295
Attorney	Reg. No.
John P. Wagner, Jr.	35,398
Attorney	Reg. No.
Frank D. Nguyen	39,790
Attorney	Reg. No.

- a. ☒ The power appears in the original papers in the prior application.  
b. ☐ Because the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
c. ☐ A new power has been executed and is attached.

### Maintenance of Codependency of Prior Application

- ☐ A petition, fee and response has been filed to extend the term pending prior application until \_\_\_\_\_
- ☐ A copy of the petition for extension of time in the prior application is attached.

### Conditional Petition for Extension of Time in Prior Application

- ☒ A conditional petition for extension of time is being filed in the pending parent application.
- ☒ A copy of the conditional petition for extension of time in the prior application is attached

### Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

### Notification in Parent Application of the Filing of This Divisional Application

- ☒ A notification of the filing of this divisional is being filed in the parent application from which this application claims priority under 35 USC § 120.

### Statement by Assignee (if applicable)

- ☐ In accordance with 37 CFR 3.73, I have reviewed the evidentiary documents establishing my/our ownership of the application identified herein, and certify that to the best of my/our knowledge and belief, title is with me/us who seek to take action.
- ☐ Assignment submitted herewith for recordal

I hereby declare further that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Type or print name of person signing declaration \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Citizenship \_\_\_\_\_

P.O. Address \_\_\_\_\_

\_\_\_\_\_  
(type name of assignee)

\_\_\_\_\_  
Title of person authorized to sign on behalf of assignee

\_\_\_\_\_  
Address of Assignee

Assignment recorded in PTO on \_\_\_\_\_ Reel \_\_\_\_\_ Frame \_\_\_\_\_

The statement under 37 CFR 3.73(b)

- ☐ has been filed in the parent application.
- ☐ a copy of the statement previously filed in the parent application is attached.

### Fee Calculation

CLAIMS AS FILED					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEEs
Basic Application Fee					\$760.00
Total Claims	10	Minus 20=	0	X \$22 =	\$0.00
Independent Claims	3	Minus 3=	0	X \$82 =	\$0.00
If multiple dependent claims are presented, add \$260.00					\$0.00
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$760.00</b>

### PAYMENT OF FEES

1. The full fee due in connection with this communication is \_  
provided as follows:
- ☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.  
A duplicate copy of this authorization is enclosed.

☒ A check in the amount of \$760.00

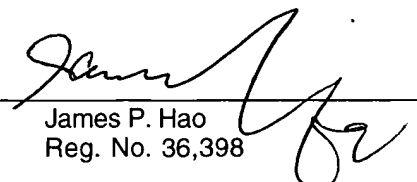
☐ Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

Please direct all correspondence concerning the above-identified application to the following address:

**WAGNER, MURABITO & HAO LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060

Respectfully submitted,

Date: 8/17/89

By:   
James P. Hao  
Reg. No. 36,398

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: COM21..P004

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231, on the below date of deposit.			
Date of Deposit:	09/17/99	Name of Person Making the Deposit:	KATHERINE RINALDI
		Signature of the Person Making the Deposit: <i>Katherine Rinaldi</i>	

In re Application

Inventor(s): Mark E. Laubach, Sanford L. Helton, Alireza Raissinia, Paul A. Gordon, Malay M. Thaker and Kathleen M. Nichols

Application No.: 08/864,550

Filed: 05/27/97

Title: MULTI-CHANNEL SUPPORT FOR VIRTUAL PRIVATE NETWORKS IN A PACKET TO ATM CELL CABLE SYSTEM

Assistant Commissioner for Patents  
Washington, D.C. 20231

jc594 U.S. PTO  
09/398267  
09/17/99

NOTIFICATION OF FILING OF DIVISIONAL APPLICATION

☒ Notification is hereby being made of the filing of a divisional application for this case

☒ concurrently herewith.  
☐ on \_\_\_\_\_

Please direct all correspondence concerning the above-identified application to the following address:

**WAGNER, MURABITO & HAO LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060

Respectfully submitted,

Date: 9/17/99

By: *James P. Hao*  
James P. Hao  
Reg. No. 36,398